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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

CHRISTOPHER DALE QUALM,

Defendant and Appellant.

E045657

(Super.Ct.No. FVI702414)

OPINION

APPEAL from the Superior Court of San Bernardino County. John M. Tomberlin,
Judge. Affirmed.

David K. Rankin, under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

Defendant was sentenced to state prison for four years pursuant to a plea
agreement providing for a stipulated sentence. He appeals from the sentence.

BACKGROUND

On November 1, 2007, detectives executed a search warrant at a residence occupied by defendant and three other individuals. During the search, detectives located numerous checks in an envelope between the mattresses of the bed in the master bedroom, as well as some in an additional bedroom. Detectives also found one check and several credit cards in other people's names in the pocket of a pair of pants belonging to defendant. The various checks were purportedly issued by three different businesses and were made out to the various residents of the household, including defendant. Further investigation revealed that the checks were written on closed business accounts and all the checks had the same block-type printing. The search also yielded two firearms, a loaded .20 gauge shotgun with additional rounds, and a loaded .38 revolver.

Defendant was charged with 12 counts of possessing altered or fictitious checks with the intent to defraud (Pen. Code, § 475, subd. (a),¹ counts 1, 4-14), one count of possession of a firearm by a convicted felon (§ 12021, subd. (a)(1), count 2), and one count of possession of ammunition by a person prohibited from possessing a firearm (§ 12316, subd. (b)(1), count 3). It was further alleged that defendant had suffered four prior convictions for which he had served prison terms (prison priors).

On February 15, 2008, defendant pled guilty to one count of possession of a fictitious check (§ 475, subd. (a), count 1), and admitted two of the alleged prison priors, in return for a stipulated sentence of 4 years in state prison and dismissal of the remaining

¹ All further statutory references are to the Penal Code unless otherwise indicated.

counts and special allegations, as well as the dismissal of an unrelated misdemeanor charge. The minutes of the original sentencing hearing erroneously indicated defendant was sentenced to 4 years in prison under the Strikes law (§§ 667, subd. (e)(1), 1170.12, subd. (c)(1)).

Defendant filed a hand-written notice of appeal pointing out the error in the sentencing. In response to that letter, the minutes were corrected on April 16, 2008, to reflect the term agreed upon by the sentence bargain, that is, a midterm sentence on count 1 of 2 years, plus 1 year each for the two admitted prison priors. The corrected minutes and abstract of judgment were forwarded to the prison.

DISCUSSION

At his request, this court appointed counsel to represent appellant on appeal. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738 [87 S.Ct. 1396, 18 L.Ed.2d 493], setting forth a statement of the case, a summary of the facts, and potential arguable issues, and requesting that we undertake an independent review of the entire record. We offered appellant an opportunity to file a personal supplemental brief, and he has done so.

Defendant argues that because the original judgment indicated he was sentenced under the Strikes law, his conduct credits were erroneously calculated at 15 percent, instead of the half-time credit to which he was entitled under section 2933. We have examined the record and find that the court properly corrected both the minutes of the pronouncement of judgment and the abstract of judgment, to reflect the bargained-for

sentence and the pre-sentence credits to which the defendant was entitled as of the date of the sentencing.

Pursuant to section 4019, the sentencing court is only authorized to assess the conduct credits for presentence time spent in local custody. Presentence credit is limited to one day credit for every two days served. (§ 4019.) Section 2933 worktime credit, commonly referred to as “halftime credit,” is awarded by the Department of Corrections and Rehabilitation, after the defendant has been delivered to the prison. (*People v. McCutcheon* (1986) 187 Cal.App.3d 552, 560.) Because the trial court’s order corrected the sentence as of the date the sentence was actually pronounced, the calculation of his presentence conduct credits was correct. The allocation of conduct or worktime credits by the Department of Corrections and Rehabilitation is an administrative matter (see *People v. Donan* (2004) 117 Cal.App.4th 784, 789-790, citing *People v. Buckhalter* (2001) 26 Cal.4th 20, 30, 32), for which administrative review must be exhausted. (*People v. Mendoza* (1986) 187 Cal.App.3d 948, 954, citing *In re Muszalski* (1975) 52 Cal.App.3d 500, 508.)

Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have independently reviewed the record for potential error and have found no arguable issues.

DISPOSITION

The judgment is affirmed.

RAMIREZ, P.J.

We concur:

HOLLENHORST, J.

GAUT, J.